

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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|----------------------------|----------------|
| Date of Incident: | March 18, 2018 |
| Time of Incident: | 7:44 pm |
| Location of Incident: | [REDACTED] |
| Date of COPA Notification: | May 1, 2018 |
| Time of COPA Notification: | 10:26 am |

On March 18, 2018, at approximately 7:38 pm, Officer [REDACTED] # [REDACTED] responded to a call of a man with a knife at the location of [REDACTED]. Upon arrival at that location, Officer [REDACTED] discovered a single-family home with rented out rooms. The incident involved two individuals, [REDACTED] and [REDACTED], who rented out separate rooms in the house. Mr. [REDACTED] told Officer [REDACTED] that he had opened his bedroom door and observed Mr. [REDACTED] standing at his door holding a knife above his head. Mr. [REDACTED] denied Mr. [REDACTED]'s account. Officer [REDACTED] recovered a knife in Mr. [REDACTED]'s back pants' pocket. Officer [REDACTED] arrested Mr. [REDACTED] for the offense of aggravated assault with a deadly weapon without lawful justification after Mr. [REDACTED] signed a criminal complaint. Mr. [REDACTED] was then transported to the [REDACTED]th District for processing.

II. INVOLVED PARTIES

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|-------------------------|---|
| Involved Officer #1: | [REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED], 2007 Rank: Officer Unit of Assignment: [REDACTED] DOB: [REDACTED], 1984 Male White |
| Involved Individual #1: | [REDACTED] DOB: [REDACTED], 1978 Male Black |

III. ALLEGATIONS

| Officer | Allegation | Finding/ Recommendation |
|---|--|----------------------------|
| Officer [REDACTED] [REDACTED] # [REDACTED] | 1. Unlawfully detained and arrested [REDACTED] [REDACTED] in violation of Rule 1. | 1. Exonerated |

IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule 1: Prohibits a violation of any law or ordinance.
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General Orders

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1. General Order G06-01-01: Field Arrest Procedures
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Federal Laws

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1. Fourth Amendment, United States Constitution.
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State Laws

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1. 750 ILCS 60/301 (a) - Any law enforcement officer may make an arrest without warrant if the officer has probable cause to believe that the person has committed or is committing any crime, including but not limited to violation of an order of protection, under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, even if the crime was not committed in the presence of the officer.
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V. INVESTIGATION

a. Interviews

COPA interviewed [REDACTED] on July 31, 2018, at approximately 1:40 pm at the Civilian Office of Police Accountability (COPA) Headquarters, located at 1615 West Chicago Avenue, Chicago, Illinois, 60622.¹ [REDACTED] (Mr. [REDACTED]) stated the incident was a misinterpretation or miscommunication. Mr. [REDACTED] stated he returned home on the evening of the incident. He described his house as a group residence and explained he lived there with two other individuals.

Mr. [REDACTED] stated his roommate, [REDACTED] (Mr. [REDACTED]), had issues with him already. Mr. [REDACTED] stated on the date of the incident he was dicing potatoes to make them into hash browns when Mr. [REDACTED] came up to him and was acting crazy. Mr. [REDACTED] stated that Mr. [REDACTED] was irritated with him and that Mr. [REDACTED] ultimately called the police on him. Mr. [REDACTED] stated Mr. [REDACTED] had threatened him several times for no reason and explained Mr. [REDACTED] should have been arrested, not him.

Mr. [REDACTED] explained the police officer's demeanor was that the incident was not even "a situation" and states the officer questioned why he was even being called to their residence.² Mr. [REDACTED] stated Mr. [REDACTED] kept going on and said he had a knife. Mr. [REDACTED] stated he had a spatula, a fork and a spoon. Mr. [REDACTED] stated that Mr. [REDACTED] lied to the police officer but then reassessed and stated maybe Mr. [REDACTED] didn't lie, as he did not hear him say anything. Mr. [REDACTED] alleged he was arrested on false grounds and on false charges. Mr. [REDACTED] explained he was at the police station on false charges. Mr. [REDACTED] stated he was in jail for four days and had to go through so much while in there.

Mr. [REDACTED] clarified that only Mr. [REDACTED] was in the group house at the time of the incident. He explained that the police came into the door while he was in the kitchen. Mr. [REDACTED] explained the police officer was confused as to why he was called.

Mr. [REDACTED] stated he did not hear Mr. [REDACTED] make any allegations against him, which is why he questions the reason he was in jail for 4 days. Mr. [REDACTED] stated the officer pushed him against the wall, but then continued that he did not want to relive all this stuff. Mr. [REDACTED] stated it was really bad because he did not resist and characterized it as a forceful arrest. When asked if he sustained injury as a result of the arrest, Mr. [REDACTED] stated he did not sustain any injuries. Then [REDACTED] clarified that his injury was mental. Mr. [REDACTED] stated that the officer did not tell him why he was being arrested. He explained it took the officer an hour and a half to come up with a charge. Additionally, Mr. [REDACTED] stated he wanted to call a lawyer and was never read his rights.

¹ [REDACTED]'s audio recorded interview is incorporated as Attachment #10.

² See Attachment #10, timestamp 06:00.

Mr. [REDACTED] stated he was taken to the police district located at [REDACTED] st and Wentworth. He stated he told people several times he had a medical condition and that he needed his medication.³

b. Digital Evidence

Body Worn Camera (BWC) Video⁴: COPA requested, obtained and reviewed Body-Worn Camera video from officers involved with this incident. The only available videos were from the Body-Worn Camera of Officer [REDACTED] and Officer [REDACTED]. The following is a summary of the highlights of the video:

Summary of Officer [REDACTED] Officer [REDACTED] BWC Video—

Upon his arrival to the incident location, Officer [REDACTED] encounters Mr. [REDACTED], who opens the front door of the residence for him. Officer [REDACTED] asks Mr. [REDACTED] if he called the police and he responds, "He pulled a knife on me."⁵ A voice is heard in the background saying he thought I was disturbing him, but I was not. Officer [REDACTED] enters the residence and says he will hear both sides of the story. Officer [REDACTED] asks Mr. [REDACTED] if he has anything on him he is not supposed to have. Mr. [REDACTED] responds no. Officer [REDACTED] asks Mr. [REDACTED] if he can just pat him down to be sure and Mr. [REDACTED] consents. Officer [REDACTED] pulls something out of Mr. [REDACTED]'s back pocket and asks, "What is this?" Mr. [REDACTED] states, "Oh, that is my knife and fork." Officer [REDACTED] asks Mr. [REDACTED] to take a scat.⁶ [REDACTED] states you can see my fork and spoon and knife. Officer [REDACTED] responds he does.

Officer [REDACTED] asks how both men are related and is informed by Mr. [REDACTED] the men are not related. Mr. [REDACTED] explains the house is a rooming house, but there is no one else present, aside from he and Mr. [REDACTED]. Mr. [REDACTED] states he was just sitting in his room, with the door closed, when Mr. [REDACTED] began beating on his door because he was unable to find something in the kitchen. Mr. [REDACTED] states he opened the door and observed Mr. [REDACTED] standing with a knife like this (Mr. [REDACTED] stands with his hand elevated above his head, demonstrating the same). Mr. [REDACTED] characterizes Mr. [REDACTED]'s statement as, "lies and deception."⁷

Officer [REDACTED] asks if someone needs to take a walk. Mr. [REDACTED] states, "No," and informs Officer [REDACTED] he is going to his room to finish his food. Mr. [REDACTED] says, "Every time he gets drunk, he acts a fool."⁸ Officer [REDACTED] asks if he can smell Mr. [REDACTED]'s breath and he agrees. Officer [REDACTED] informs Mr. [REDACTED] that he can smell alcohol on his breath. Mr. [REDACTED] claims it was from Saint Patrick's Day.

Officer [REDACTED] tells Mr. [REDACTED] he is not going to jail, but asks him to come outside with him. Mr. [REDACTED] refuses to comply with Officer [REDACTED]'s instruction. Officer [REDACTED],

³ [REDACTED]'s medical records indicate he was triaged on March 19, 201 at 3:05 am. [REDACTED]'s medical records are incorporated as Attachment # 21.

⁴ Officer [REDACTED]'s and Officer [REDACTED]'s BWC video is incorporated as Attachment #16.

⁵ See Attachment #16, Officer [REDACTED] video, timestamp 03:20.

⁶ The knife, itself, it not caught on BWC video.

⁷ See Attachment #16, Officer [REDACTED] video, timestamp 05:00.

⁸ See Attachment #16, Officer [REDACTED] video, timestamp 05:00.

again, asks Mr. [REDACTED] to come outside. Mr. [REDACTED] refuses to comply. Officer [REDACTED] explains he is going to have Mr. [REDACTED] come to his car, so a namecheck can be performed. Mr. [REDACTED] again refuses to comply. Officer [REDACTED] tells Mr. [REDACTED] to come to the car or he will be going to jail. Mr. [REDACTED] responds, "No." Mr. [REDACTED] then agrees to start moving outside. Officer [REDACTED] walks Mr. [REDACTED] to his squad and asks one of two officers standing outside to run Mr. [REDACTED]'s name.

Officer [REDACTED] confirms that Mr. [REDACTED] wants Mr. [REDACTED] to go to court on this case. Officer [REDACTED] asks Mr. [REDACTED] to recount what occurred. Mr. [REDACTED] recounts the same version of events he told Officer [REDACTED] when he initially arrived. Officer [REDACTED] relocates outside to get a criminal complaint and returns to Mr. [REDACTED] who signs his name to the same.

Officer [REDACTED] then asks Mr. [REDACTED] if he wants to keep his stuff or if he wants to leave it at the house. Mr. [REDACTED] states he didn't hit anyone. Officer [REDACTED] enters the squad car and comments about the smell of alcohol in the car. Mr. [REDACTED] responds it is from him, as he has been drinking all night. Upon their arrival at the police station, [REDACTED] states that Officer [REDACTED] is lying and asks another officer to call his attorney or 911.

Officer [REDACTED] Officer [REDACTED] Body Worn Camera Video – Officer [REDACTED] (Officer [REDACTED]) arrives at incident location and walks up to the driveway with his flashlight and walks around outside incident location.

Officer [REDACTED] walks towards Officer [REDACTED] and Mr. [REDACTED] and tells Mr. [REDACTED] to just have a seat in the car. Mr. [REDACTED] states he didn't do anything, and he shouldn't be going anywhere. Officer [REDACTED] opens the door and asks Mr. [REDACTED] for his ID and address. Mr. [REDACTED] states that they are all felons in that house. He claims they stole money from him and everything. Mr. [REDACTED] explains it is like a halfway house. He states he pays \$450 per month for rent and adds, but they are felons and they are criminals.

OEMC 911 / Dispatch Audio Transmissions⁹ – COPA requested, obtained and reviewed OEMC 911 and Dispatch transmissions relative to this incident.

- **EV# [REDACTED]**
18 March 2018 19:19:30 – Mr. [REDACTED] is heard calling into 911. He states he lives in a rooming house and a man down here pulled a knife on him. He states this happened just now. He states his address is [REDACTED] and his name is [REDACTED]. His phone number is [REDACTED]. Mr. [REDACTED] informs dispatch that the person with the knife is in the house, he assumes he is still with the knife. Mr. [REDACTED] explains he is in his room. He describes his roommate as a black male who is 6 feet. He states his housemate is wearing black or blue jeans and a black t-shirt. The dispatcher tells him to watch for the police. Mr. [REDACTED] informs the dispatcher that his housemate is drunk.
- **[REDACTED]-2019**

⁹ Audio CD containing the 911 and OEMC Dispatch Transmissions is incorporated as Attachment #19.

03:20 – Dispatch informs Units in [REDACTED] and Citywide that there has been a call of a person with a knife at [REDACTED]. Mr. [REDACTED] said he lives in a rooming house and a man came to his door with a knife. Male black, 6 feet, black t-shirt, and black or blue jeans. Caller states man is drunk and still on the scene. Nothing further. Dispatcher repeats request for units to respond to the call from Mr. [REDACTED]. Unit [REDACTED] calls into dispatch and requests that he is shown going out to [REDACTED] for incident with the knife. Dispatch asks for units to ride with [REDACTED] to [REDACTED]. Officer calls in and says not to worry about it. Unit [REDACTED] informs dispatch they are responding to the incident with [REDACTED].

c. Documentary Evidence¹⁰

Arrest Report¹¹: The report indicates [REDACTED] was arrested on March 18, 2018 at 7:44 pm for the offense of Aggravated Assault with a Deadly Weapon which is a Class A Misdemeanor. The Victim is listed as [REDACTED]. The location of the incident is listed as [REDACTED] Street. The report notes [REDACTED] is the Offender, with a date of birth of [REDACTED], 1978. The narrative portion of the report indicates that the officer responded to a call of a person with a knife. The officer spoke with [REDACTED] (Victim and Complainant) who related Mr. [REDACTED] became angry over a missing pan and believed the [REDACTED] took it. Mr. [REDACTED] went to the Victim's door and when the Victim opened the door, he observed Mr. [REDACTED] standing there holding the knife above his head in a threatening manner, placing the victim in reasonable fear of receiving a battery. The 1st Arresting Officer is listed as [REDACTED] Officer [REDACTED] # [REDACTED], Beat [REDACTED]. The 2nd Arresting Officer is listed as [REDACTED] Officer [REDACTED] # [REDACTED].

Original Case Incident Report¹²: The report indicates the incident is Cleared and Closed (Arrest and Prosecution). The incident location is listed as [REDACTED] and the date of the event is March 18, 2018 and the time is 7:18 pm. The report notes that the Assigned Unit is [REDACTED] and the responding officer arrival date and time is March 18, 2018 at 7:32 pm. The Victim is listed as [REDACTED]. The location of the incident is listed as [REDACTED]. The report notes [REDACTED] as the Suspect, with a date of birth of November 1, 1978. The report characterizes the relationship between Mr. [REDACTED] and Mr. [REDACTED] as roommate or former roommate. The narrative portion of the report indicates that the officer responded to a call of a person with a knife. The officer spoke with [REDACTED] (Victim and Complainant) who related Mr. [REDACTED] became angry over a missing pan and believed the Victim took it. Mr. [REDACTED] went to the Victim's door and when the Victim opened the door, he observed Mr. [REDACTED] standing there holding the knife above his head in a threatening manner.

OEMC Event Query Report¹³: The report indicates that a wireless call was placed and the Complainant stated he lives in a rooming house and a man came to his door with a knife. The man is a male/black approximately 6'00 tall with a black t-shirt. Additionally, the man is wearing black

¹⁰ The Case Supplementary Report, incorporated as Attachment # 3, and the OEMC PDT Message Report, incorporated as Attachment #14, were also reviewed but of limited probative value and were therefore not summarized.

¹¹ Arrest Report is incorporated as Attachment # 11.

¹² Original Case Incident Report is incorporated as Attachment #12.

¹³ OEMC Event Query Report is incorporated as Attachment # 14.

or blue jeans and is drunk and still on the scene. The event was characterized as an aggravated assault with a knife. The Event Number is recorded as [REDACTED] and the date and time of the event is March 18, 2018 and the time is 7:21:39 pm. The caller phone is [REDACTED] and his name is Mr. [REDACTED]. The location of the incident is listed as [REDACTED]. The report also indicates that at 7:43:16 the name of [REDACTED] DOB [REDACTED] 78 was run.

Records from the Circuit Court Clerk of Cook County reflect that criminal case arising from this incident, [REDACTED], was dismissed with leave to reinstate on April 2, 2018 because the complaining witness did not appear in court.¹⁴

VI. ANALYSIS

The Fourth Amendment of the U.S. Constitution protects individuals against unreasonable seizures. The facts surrounding the detention and arrest of [REDACTED] establish that his detention and subsequent arrest were within the bounds of the law and Chicago Police Department policy.

Allegation #1: Unlawfully detained and arrested [REDACTED] in violation of Rule 1

On March 18, 2018, Officer [REDACTED] Officer [REDACTED] responded to a call of a person with a knife at the location of [REDACTED] Chicago, Illinois. After conducting a preliminary investigation, which included speaking with [REDACTED] and [REDACTED], Officer [REDACTED] arrested [REDACTED] for the offense of aggravated assault with a knife.

A police officer may temporarily detain an individual for an investigatory stop when “the officer’s decision is based on specific, articulable facts which warrant the investigative stop intrusion.” *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (citing *Terry v. Ohio*, 392 U.S. 1, 21, (1968)); *People v. Stewart*, 242 Ill. App. 3d 599, 605 (1993)). “The police officer must have an ‘articulable suspicion’ that the person has committed or is about to commit a crime. *Moore*, 286 Ill. App. 3d at 653 (citations omitted). An officer may not detain an individual based on mere hunches or unparticularized suspicions. *Id.* (citations omitted).

An officer must have probable cause to arrest a subject. *People v. Johnson*, 408 Ill. App. 3d 107 (citing *Beck v. Ohio*, 379 U.S. 89, 91, (1964)). “Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest.” *People v. D.W. (In re D.W.)*, 341 Ill. App. 3d 517, 526 (1st Dist. 2003). The officer’s subjective belief is not determinative; rather probable cause is an objective standard. *People v. Chapman*, 194 Ill. 2d 186, 218-19, (2000).

Chapter 750 Section 60/301 (a) of the Illinois Compiled Statute provides, in relevant part:

¹⁴ See CLERKS screen print out of case disposition, incorporated as Attachment #26.

Any law enforcement officer may make an arrest without warrant *if the officer has probable cause to believe that the person has committed or is committing any crime...*even if the crime was not committed in the presence of the officer. (emphasis added)

Officer [REDACTED] initially had articulable, reasonable suspicion to detain Mr. [REDACTED] based on Mr. [REDACTED]'s 911 phone call and Mr. [REDACTED]'s initial in-person statements alleging that Mr. [REDACTED] pulled a knife on him.

Officer [REDACTED]'s preliminary investigation included interviews with both [REDACTED] and [REDACTED]. During his interview with Mr. [REDACTED] Mr. [REDACTED] related he was just sitting in his room, with the door closed, when Mr. [REDACTED] came and started to beat on his door, angry because he was unable to find something in the kitchen. Mr. [REDACTED] related that when he opened his door, he observed Mr. [REDACTED] standing with a knife elevated above his head in a threatening manner. During his interview with Officer [REDACTED], Mr. [REDACTED] denied raising a knife at [REDACTED]. However, prior to interviewing Mr. [REDACTED] and Mr. [REDACTED] Officer [REDACTED] discovered a knife, fork and spoon in Mr. [REDACTED]'s back pocket. Furthermore, Mr. [REDACTED] told Officer [REDACTED] that Mr. [REDACTED] acts foolishly when he drinks. Mr. [REDACTED] denied drinking, but Officer [REDACTED] was able to detect an odor of alcohol on Mr. [REDACTED]'s breath.

The facts establish that Officer [REDACTED]'s preliminary investigation was efficient, thorough and unbiased. At no point during his investigation, did Officer [REDACTED] delay or prolong the detention of [REDACTED]. Officer [REDACTED] listened to both involved individuals and assessed their credibility given the facts and circumstances provided to him. After his investigation revealed probable cause to arrest Mr. [REDACTED] and affirming Mr. [REDACTED]'s desire to sign a complaint against Mr. [REDACTED] for the aggravated assault, Officer [REDACTED] arrested Mr. [REDACTED] for that offense and transported him to the [REDACTED]^h District for processing.

As the facts have established that Officer [REDACTED] did not improperly detain or arrest [REDACTED] and that his actions were within the bounds of the law and Chicago Police Department Rule, COPA finds that Allegation #1 against Officer [REDACTED] is EXONERATED.¹⁵

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

¹⁵ Mr. [REDACTED] has also alleged that Officer [REDACTED] did not provide him his Miranda Rights and that he was not provided medical treatment. However, there is no evidence that Officer [REDACTED] conducted a custodial interrogation of [REDACTED] and therefore Officers [REDACTED] and [REDACTED] were not required to provide [REDACTED] his Miranda Rights. Furthermore, the available evidence demonstrates that [REDACTED] was provided medical treatment on March 19, 2018.

| Officer | Allegation | Finding / Recommendation |
|---|--|--------------------------|
| Officer [REDACTED] Officer [REDACTED] [REDACTED] # [REDACTED] | 1. Unlawfully detained and arrested [REDACTED] [REDACTED] in violation of Rule 1. | 1. Exonerated |

[REDACTED]

Date

2-26-19

[REDACTED]
Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

| | |
|-----------------------------|--|
| Squad#: | |
| Investigator: | |
| Supervising Investigator: | |
| Deputy Chief Administrator: | |

